Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

No. 71-1575

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1972

ERNEST LEVINE, PETITIONER

v.

UNITED STATES OF AMERICA, ET AL..

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

REPLY BRIEF

ERNEST LEVINE
5651 Corteen Place
North Hollywood, California
91607

Petitioner

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UNITED STATES OF AMERICA, ET AL.

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REPLY BRIEF

TO THE SUPREME COURT OF THE UNITED STATES:

The Solicitor General forgot certain facts as far as the petitioner namely he is a 52 year-old Certified Public Accountant and has had over 30 years of experience and has passed the oral examination of the Internal

Revenue Service. As to the amount of money involved petitioner would like to quote Note 2, 28 U.S.C. Sect. 1346:

> "When dealing with a statute subjecting federal government to liability for potentially large sums of money federal Supreme Court must not promote profligacy by careless construction, but neither should court as a self-constituted guardian of the Treasury import immunity back into a statute designed to limit it."

Besides the impression the petitioner had of this court was that it dispensed justice and nothing else especially where if a decision were to be given the Judge would take care of it.

As to his second point, petitioner hopes that the court can indeed read much further than the Solicitor General , namely the letters refered too on the

bottom of Pet. 9 and on Pet. 10.

There has been passed by the Senate of the United States (Appendix A - p. 1) on July 20, 1972 S. 1861 an Act which amends Public Law 90-202, 81 Stat 602 as far as suit against the United States Government is concerned and is entitles "NON-DISCRIMINATION ON ACCOUNT OF AGE IN FEDERAL GOVERNMENT EMPLOYMENT". Petitioner urges all members of the court to obtain a copy of this bill, it was too lengthy to enclose. The provisions refering to Public Law 90-202, 81 Stat 602 start on Page 45.

It is rather evident that the Senate felt it was a mistake to make the United States immune from suit. Thus petitioner is suing for exactly the same reason.

Under RIGHT TO SUE on Pet. 13 the following shoud be inserted:

Congress has granted me the right to sue in Public Law 89-554, 80 Stat 378, Sec. 8912 (Pet. App. C.,p. 1).

As to the provision of the act petitioner is suing under it is Sec. 3307 (Pet. App. C.,p. 1). As far as the Federal Personnel Manuel-Vol 2, Chapter 713, Subchapter 18, 4-4 Age (Pet. App. C.,p. 2) petitioner would like to quote the following:

"The effect of this provision of law is that the Commission and agencies are prohibited from establishing maximum-age limits for entrance into the competitive service" (underline mine)

This is exactly what my COMPLAINT FOR DAMAGES FOR DISCRIMINATION BASED UPON AGE is all about. The minute Mrs. Diane Herrmann put the letter (Pet. 4) into the mail and the minute it was

received by me, DISCRIMINATION BASED UPON AGE had taken place. Also pertinent was the fact petitioner had specified Los Angeles and was offered a position in Bakersfield and El Centro (230 and 650 mile round trip, respectively).

Also in connection with above, petitioner would also like it too aply that in Pet. 14 and Page 15, where it start;

"The petitioner also quotes from Sec 4. (a) (1) of the same Act:"

Thought petitioner know it has no relavancy at this point he would like the Court to know that he sued twice because he was so advised by the Chief Clerk of the United States District Court.

Respectfully,

Ernest Levine

ERNEST LEVINE
5651 Corteen Place
North Hollywood, Calif.
91607

August 6, 1972

Petitioner

92D CONGRESS
2D SESSION

H. R. 7130

AN ACT

To amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that Act, to extend its coverage, to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 1972

Ordered to be printed with the amendments of the Senate

Appendix A - p. 1